

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

<b>JAMES D. COX</b>	§	<b>PLAINTIFF</b>
	§	
<b>v.</b>	§	<b>Civil Action No. 1:10cv421-LG-RHW</b>
	§	
<b>EXIT 50 HOTELS CORP.</b>	§	<b>DEFENDANT</b>
	§	
<b>EXIT 50 HOTELS CORP.</b>	§	<b>THIRD PARTY PLAINTIFF</b>
	§	
<b>v.</b>	§	
	§	
<b>LAHELA GUZMAN</b>	§	<b>THIRD PARTY DEFENDANT</b>

**ORDER ADOPTING PROPOSED  
FINDINGS OF FACT AND RECOMMENDATION**

**BEFORE THE COURT** is the Proposed Findings of Fact and Recommendation [13] entered by United States Magistrate Judge Robert H. Walker. Judge Walker recommends that James D. Cox's claims against Exit 50 Hotels Corp. be dismissed for failure to prosecute. Upon reviewing the Proposed Findings of Fact and Recommendation , the record in this matter, and the applicable law, the Court finds that the Proposed Findings of Fact and Recommendation should be adopted as the opinion of this Court.

Cox was advised that he must file any objections to Judge Walker's recommendations within fourteen days of being served with a copy of the Proposed Findings of Fact and Recommendation. The Court record reveals that Cox has not filed an objection to the Proposed Findings of Fact and Recommendation, and the copy of the Proposed Findings of Fact and Recommendation that was sent to Cox by the Court was returned as undeliverable.

Where no party has objected to the Magistrate Judge's proposed findings of fact and recommendation, the Court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having conducted the required review, the Court finds that Judge Walker's Proposed Findings of Fact and Recommendation is neither clearly erroneous nor contrary to law. Therefore, the Court finds that Proposed Findings of Fact and Recommendation entered by United States Magistrate Judge Robert H. Walker should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the Proposed Findings of Fact and Recommendation [13] entered by United States Magistrate Judge Robert H. Walker, be, and the same hereby is, **ADOPTED** as the finding of this Court. James D. Cox's claims against Exit 50 Hotels Corp. are hereby **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. Exit 50 Hotels Corp.'s third party complaint against Lahela Guzman remains pending.

**SO ORDERED AND ADJUDGED** this the 26<sup>th</sup> day of July, 2011.

s/ Louis Guirola, Jr.  
LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE